

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LOCAL #46 METALLIC LATHERS UNION AND
REINFORCING IRON WORKERS WELFARE
TRUST, ANNUITY FUND, PENSION FUND,
APPRENTICESHIP FUND, VACATION FUND,
and SCHOLARSHIP FUND; TONY D'AMICO in
his fiduciary capacity as Director of the Local #46
Metallic Lathers Union and Reinforcing Iron
Workers Welfare Trust, Annuity Fund, Pension
Fund, Apprenticeship Fund, Vacation Fund and
Scholarship Fund; and ROBERT LEDWITH as
Business Manager of the Local #46 Metallic Lathers
Union and Reinforcing Iron Workers and in his
fiduciary capacity as a Trustee of the Political Action
Fund and Iron Workers Political Education Fund

Plaintiffs,

- against -

VVW REBAR CORPORATION and R. VERNON
WHYLIE

Defendants.

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GARAUFIS, United States District Judge.

MEMORANDUM & ORDER

05 CV 901 (NGG) (CLP)

On March 31, 2006, Magistrate Judge Cheryl L. Pollack issued a Report and Recommendation ("R&R") recommending that this plaintiffs be awarded (1) 51,966.50 in delinquent contributions and unpaid dues; (2) \$10,133.47 in interest; and (3) \$340.00 in costs against defendant VVW Rebar Corporation. Objections to the R&R were due within ten (10) days of receipt of this report. No party has filed objections to the R&R.

In reviewing an R&R, this court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). In order

to accept a Magistrate Judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is "not facially erroneous").

The R&R is comprehensive and well-reasoned. The court finds no clear error in the R&R and therefore adopts the R&R for the reasons stated therein. The plaintiffs are hereby awarded \$62,439.97 in delinquent contributions, unpaid dues, interest, and costs, as detailed above. The Clerk of the Court is directed to close this case and to mail a copy of this decision to the defendant VVW Rebar Corporation at its last known mailing address.

SO ORDERED.

Dated: June 6, 2006
Brooklyn, N.Y.

/s/
Nicholas G. Garaufis
United States District Judge